

MARCUS MURRELL,
Plaintiff,
v.
CRACKER BARREL,
Defendant.

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) No. 2:13-cv-02619-SHL-dkv
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Before the Court is the Magistrate Judge's Report and Recommendation on Defendant Cracker Barrel Old Country Store, Inc.'s ("Cracker Barrel") Motion to Dismiss for Insufficient Service of Process (the "Report and Recommendation"), filed April 25, 2014. (ECF No. 10.) In the Report and Recommendation, the Magistrate Judge recommends "the court extend the time for thirty days and the Clerk of Court be directed to re-issue a summons to Cracker Barrel on Murrell's remaining claim of race discrimination and to deliver the summons along with a copy of the complaint (ECF No. 1), a copy of the Report and Recommendation (ECF No. 4), and a copy of the Order (ECF No. 5) to the U.S. Marshal for service; that service be made on Cracker Barrel Old Country Store pursuant to Rule 4(h)(1) of the Federal Rules of Civil Procedure by delivering the summons and the documents to an officer, a managing or

general agent, or any other agent authorized by appointment or by law to receive service of process; that all costs of service be advanced by the United States; and that Cracker Barrel's motion to dismiss be denied at this time."

Pursuant to Federal Rule of Civil Procedure 72(b)(2), "[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). No objections to the Report and Recommendation have been filed, and the time for filing objections has expired. See Fed. R. Civ. P. 5(b)(2), 6(d), 72(b)(2).

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) advisory committee notes. On clear-error review of the Magistrate Judge's Report and Recommendation, the Court hereby ADOPTS the Report and Recommendation (ECF No. 10) in its entirety.

Accordingly, Cracker Barrel's Motion to Dismiss for Insufficient Service of Process is DENIED. The Clerk of the Court is hereby directed to re-issue a summons to Cracker Barrel on the claim of race discrimination, and to deliver the summons along with a copy of the Complaint (ECF No. 1), a copy of the

Report and Recommendation (ECF No. 4), and a copy of the Order (ECF No. 5) to the U.S. Marshal for service. It is further ordered that service be made on Cracker Barrel Old Country Store pursuant to Rule 4(h)(1) of the Federal Rules of Civil Procedure by delivering the summons and the documents to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and that all costs of service be advanced by the United States.

IT IS SO ORDERED, this 24th day of July, 2014.

s/ SHERYL H. LIPMAN
UNITED STATES DISTRICT JUDGE